IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.23464 of 2006

Dated: February 13, 2007

Between:

Madina Education and Welfare Society,
Rep. by its Secretary K.M. Arifuddin,
S/o. K.M. Qamaruddin, aged 62 years,
R/o. 3-6-126, Himayathnagar, Hyderabad.

... Petitioner

And

Secretary, State Council of Higher Education,
Govt. of A.P., Hyderabad, and another.

... Respondents

Order:

Petitioner, an educational society, started a college by name Global Education centre imparting Master of Business Administration as one of the courses. The said college is recognized as a minority institution with an intake capacity of '60' students. For the academic year 2006-07, it has opted admissions in S.W.1 category. At first instance, 47 candidates were allotted

to the college out of 48 in the convenor quota and list of such candidates was sent to the A.P. State Council for Higher Education (for short 'Council') on 04-08-2006.

2. The grievance of the petitioner is that some of the candidates who have taken admission in the said college, at first instance, were slid to some other colleges, as there was no proper communication from the Convener, thereby making it difficult to fill up the vacancies. It is stated that there was communication from the Convener on
29-09-2006, fixing 30-09-2006 as the last date for filling up the vacancies and hence all the vacant seats could not be filled.

3. Learned counsel for the petitioner submits that as per the academic schedule of M.B.A. course for the academic year 2006-07, instruction had begun from 04-09-2006.

4. Learned counsel for the petitioner submits that only 26 seats could be filled up in the academic year 2006-07, including 12 seats in the management quota, for want of proper communication from the respondents and also for lack of reasonable time. Hence, he seeks directions to permit the petitioner to fill the vacant seats in the academic year 2007-08.

5. Though, at first instance, 47 candidates were admitted by the convenor, however, some of the candidates, on their own request, slid to some other institutions. Though there was communication dated
29-09-2006 from the convener, no notification was issued inviting

applications for admission in leftover seats by way of institutional spot admissions.

6. Learned counsel for the petitioner seeks directions for permission to fill up vacant seats in the next academic year. However, it is to be seen, the permitted intake capacity is fixed by the All India Council for Technical Education. The said authority is not made party respondent in the Writ Petition and merely because some seats are not filled up in this academic year, petitioner cannot be permitted to add those seats for the next academic year and if the same is allowed, would run contrary to the intake capacity fixed by the competent authority. As much as the course had begun four months back, no direction also can be given, for admission of students, now, in the midstream.

7. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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JUSTICE R. SUBHASH REDDY.

February 13, 2007
MRR